

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

601 New Jersey Avenue, NW, Suite 9500

Washington, D.C. 20001-2021

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June 15, 2005

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 2004-157
Petitioner	:	A. C. No. 36-08746-26476
v.	:	
	:	Queecreek No. 1 Mine
BLACK WOLF COAL COMPANY, INC.,	:	
Respondent	:	
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 2004-158
Petitioner	:	A. C. No. 36-08746-26477 LVY
v.	:	
	:	Queecreek No. 1 Mine
PBS COALS, INC.,	:	
Respondent	:	
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 2004-152
Petitioner	:	A. C. No. 36-08746-26478 KQN
v.	:	
	:	Queecreek No. 1 Mine
MUSSER ENGINEERING, INC.,	:	
Respondent	:	

**ORDER CONFIRMING DISCOVERY SCHEDULE**

**ORDER TO CONSOLIDATE**

**NOTICE OF HEARING**

Pursuant to the parties' agreement and upon my approval, the time allotted for the completion of written discovery and depositions is extended to June 30, 2005 and August 31, 2005, respectively. Further, in accordance with Section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(d), the "Act," these proceedings are scheduled for hearing on the merits at **9:30 a.m. on October 24, 2005, in the Somerset County Courthouse, Somerset, Pennsylvania.**

In preparation for the hearing, the parties are directed to do the following on or before **September 15, 2005**: (a) confer on the possibility of settlement and endeavor to stipulate as to all relevant matters which are not in substantial dispute; (b) endeavor to stipulate the issues of fact and law remaining for hearing, and, if unable to stipulate the issues, exchange written statements of the issues as contended by the respective parties; (c) exchange lists of exhibits, and, at the request of a party, produce exhibits for inspection and copying; (d) stipulate as to those exhibits which may be admitted into evidence without objection and as to others indicate whether the exhibit is accepted as an authentic document; and (e) exchange witness lists with a synopsis of the testimony expected of each witness.

If the proceedings have not been settled, the parties are further directed to file with the undersigned Administrative Law Judge on or before **September 15, 2005**, a written prehearing report setting forth the following: (a) lists of exhibits and witnesses together with the parties' synopsis of expected testimony; (b) any stipulations entered into; (c) the parties' complete statement of the issues; and (d) a detailed memorandum of law on any legal issue raised by a party with citation to the principal authorities relied upon. Failure to comply with any part of the prehearing order may result in sanctions against the defaulting party.

Robert J. Lesnick  
Chief Administrative Law Judge

Distribution: (Certified Mail)

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